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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Nehls *et al.*

Application No.: 09/428,674

Group Art Unit: 1631

Filed: October 27, 1999

Examiner: Marschel, Ardin H.

For: NOVEL HUMAN  
POLYNUCLEOTIDES AND THE  
POLYPEPTIDES ENCODED  
THEREBY

Attorney Docket No.: 8535-029-999

**SUBSTITUTE AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116**

Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Sir:

In accordance with Rule 116 of the Rules of Practice and MPEP 1207, please enter the amendments and consider the remarks below intended to put this application into form for allowance, or reduces the number of issues on appeal. Attached hereto are (a) Exhibit A which is a marked-up version of the claims showing the amendment made herein; (b) Exhibit B which is a clean copy of the claims that will be pending upon entry of the present amendment; (c) Exhibit C - proposed changes to Figures 1A-1D, with all changes indicated in red; (d) a Transmittal of Substitute Drawings, four sheets of substitute drawings corresponding to Figures 1A-1D. This Amendment is submitted in triplicate concurrently with Appellants' Brief on Appeal.

The Applicants previously submitted an Amendment filed on February 15, 2002 in the United States Patent and Trademark Office, accompanied by a Notice Of Appeal and a Petition For Extension Of Time with authorization for payment of the required fees. According to the Advisory Action of June 10, 2002, the Amendment filed February 15, 2002 was not entered. The present amendment is submitted in lieu of the amendment of February 15, 2002 which was not entered.

The Applicants believe that the present amendment addresses the outstanding rejections, and thus, reduces the issues on appeal. Therefore, entry is respectfully requested.

DO NOT ENTER  
AM 9-3-02